THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.13827/2005

Dt. 25-4-2006

Tetali Lakshmi ..Petitioner

V.

1. The Executive Engineer, Irrigation Department (S.I.Division), Government of Andhra Pradesh, Dowlaiswaram, East Godavari District and others.

..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.13837/2005

ORAL ORDER

The petitioner claiming to be the owner of the land in an extent of Ac.1-00 cents in S.Nos.114, 117 and 118 situate at Duppalapudi village of Anaparthy Mandal, East Godavari District filed the present writ petition stating that the respondents visited the property and taken the measurements, and marked the lines started directing the workers to remove the trees for excavation of the canal, which is going through the petitioner's land. Since there is a standing crop and mango trees, the respondents cannot dispossess the petitioner from the said land nor they cannot meddle with the property of the petitioner without initiating proceedings as contemplated under the Land Acquisition Act, 1894.

In response to the notice before admission, the Executive Engineer, Irrigation Department, Dowlaiswaram, East Godavari District filed counter-affidavit stating that the investigation work of 19-L Distributory was done in February, 2003 and alignment and Hydraulic particulars were approved by the Project Administrator & Superintending Engineer, Construction Circle, Dowlaiswaram in his letter dt. 16-5-2003. Based upon the approved alignment, LP schedules were prepared and sent to the Sub-Collector, Rajahmundry for processing land acquisition proceedings. Accordingly, land to be acquired was finalized with regard to Ac.0-35 cents in S.N. 114/2; Ac.0-47 cents in S.No.114/4 and Ac.0-28 cents in S.No.118/2 and approved draft notification and draft publication were published in the District Gazette. It is further stated that if the canal excavation is stopped, the petitioner will not be affected in any way. The project is extended for supply of irrigation water to the dry lands and up lands area to ensure at least one crop to the farmers with irrigation facilities. The concrete structures, namely, 0.50 M drop at KM 4.590 and 0.50 M drop at KM 4.775 were constructed in the fields ie., earth work excavation on 22-12-2004; foundation concrete was laid on 28-12-2004 and super structures completed on 20-1-2005. In para 6, it is specifically stated that there are only 8 mango trees of age of 8 years in S.No.114/2 of Duppalapudi village and in S.No.118/2 there are no mango trees. None of the trees were cut

and removed while constructing structures. The original alignment of the canal is not changed, but construction of structures was completed on both sides of the petitioner's land without damaging the standing paddy crop at that time.

Learned counsel for the petitioner submits that though land acquisition proposals were initiated, no compensation, as such, has been paid to the petitioner so far.

Since the land acquisition proposals are already initiated, the respondents are under obligation to finalize the land acquisition proceedings and pay compensation to the petitioner for the land acquired, if any, affected during the canal excavation work.

With the above observation, the writ petition is accordingly dismissed of. No costs.

25-4-2006

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